

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON, OHIO

ELWOOD H. JONES

Petitioner

Case No. 1:01-cv-564

v.

District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

MARGARET BAGLEY, Warden,

Respondent.

**Elwood H. Jones's Motion to Set Dates**

Elwood H. Jones moves this Court for an order setting a schedule for these events as follows:

|   |                    |
|---|--------------------|
| Petitioner file Traverse .....                          | August 22, 2006    |
| Warden file Reply.....                                  | September 21, 2006 |
| Petitioner file Motion for<br>Evidentiary Hearing ..... | October 19, 2006   |

**Elwood H. Jones's Memorandum in Support of  
Motion to Set Dates**

Petitioner's Counsel have consulted with Warden's counsel. We are in agreement about the times with one exception, the filing of the Traverse. The Government will agree to three months to file the Traverse, not the four months requested. (We have calculated these dates so that they fall on a Monday.) Petitioner requests the four months because of the schedules of counsel. Mr. Crim and Mr. Monta are currently scheduled to begin a trial in *United States v. Marshall, et al.*, Case No. 3:04-cr-00140, before Judge Rose on June 12, 2006. The government suggests that the trial will last approximately 3 weeks. In addition the Ohio Supreme Court recently set execution dates for two of Mr. Crim's clients: Jeffrey Hill, June 15; and Darrell Ferguson, July 26. The execution dates

and the federal criminal trial create a situation where 90 days is not enough time to prepare for these matters and prepare and consult with Mr. Jones.

Thus, this Court should grant the motion to set dates as indicated above.

**s/ Michael L. Monta**

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**s/ Gary W. Crim**

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Attorneys for Elwood H. Jones

**Certificate of Service**

I, Gary W. Crim, counsel for Elwood H. Jones, certify that on April 24, 2006, I served a copy of this Motion to Set Dates on Counsel for the Warden, Matthew C Hellman and Heather L. Gosselin, by emailing it to mhellman@ag.state.oh.us and hgosselin@ag.state.oh.us.

**s/ Gary W. Crim**

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GARY W. CRIM